IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 247 of 2005 (S/B)

1. Bijendra Singh Parmar,
   S/o Sri Narendra Singh Parmar,
   Presently posted as Librarian in
   Government Post Graduate College,
   Uttarkashi, District Uttarkashi.
2. Hemker Chandra Tripathi,
   S/o Late Sri B.C. Tripathi
   Presently posted as Librarian in
   Government Post Graduate College,
   Ranikhet, District Almora.
3. Rajendra Prasad Sharma,
   S/o Late Sri Bhawani Datt Sharma,
   Presently posted as Librarian in
   Government Post Graduate College,
   Kotdwar, District Pauri Garhwal.
4. Smt. Damyanti Nautiyal,
   W/o Sri S.P. Nautiyal,
   Presently posted as Librarian in
   Government Post Graduate College,
   Kashipur, District Udham Singh Nagar..... Petitioners

Versus

1. State of Uttaranchal,
   through Secretary, Higher Education,
   Secretariat Dehradun, Uttaranchal.
2. Director, Higher Education,
   Uttaranchal at Haldwani,
   District Nainital.
3. State of U.P. through Secretary,
   Higher Education, Secretariat Lucknow,
   Uttar Pradesh.
4. Director, Higher Education,
   U.P., Lucknow. ..... Respondent

Mr. S. Dhulia, Senior Advocate assisted by Mr. Vipul Sharma, Advocate for the petitioners.

Mr. K.P. Upadhyaya, Standing Counsel for the State of Uttaranchal.

Coram: Hon. Cyriac Joseph, C.J.
Hon. P.C. Pant, J.

JUDGEMENT

CYRIAC JOSEPH, C.J. (Oral)

1. The petitioners had earlier filed Writ Petitions Nos. 104 of 2005 (S/B), 107 of 2005 (S/B) and 108 of 2005 (S/B) and they were

disposed of by Annexure 3 common judgment dated 14.06.2005. As per the judgment in those writ petitions, the petitioners were given a right to make representation to the Government of Uttaranchal and the Government of Uttaranchal was directed to consider the representation as expeditiously as possible and at any rate, within a period of three months from the receipt of the representation. Subsequently, the petitioners received Annexure 5 order dated 14.09.2005 passed by the second respondent purportedly disposing of the representation of the petitioners. The claim of the petitioners was rejected by the second respondent.

2. One of the contentions raised by the petitioners is that even though the representation was submitted to the Government and the Government had been directed by this Court to consider the representation, the Government did not consider the representation and instead, the Director himself has rejected the representation. When this case came up for admission on 30.09.2005, learned Standing Counsel for the Government of Uttaranchal was directed to ascertain whether the representation submitted by the petitioners pursuant to annexure 3 judgment was considered and decided by the Government itself and whether Annexure 5 order of the Director is based on any such decision of the Government. Today, Mr. K.P. Upadhyaya, learned Standing Counsel, based on instructions, submitted that the petitioners' representation was considered and disposed of by the Director only and that it was not based on any decision of the Government.

3. In the above circumstances, Annexure 5 order dated 14.09.2005 is quashed and the first respondent - Secretary, Higher Education, Government of Uttaranchal - is directed to consider the representation of the petitioners and pass fresh orders on merits within three weeks from today.

4. The writ petition is disposed of as above.

The Standing Counsel is directed to convey this order to the first respondent forthwith.

(P.C. Pant, J.) **(Cyriac Joseph, C.J.)**
21.10.2005 **21.10.2005**

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